

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

BLAKE BEST,  
Plaintiff,

v.

MOBILE STREAMS, INC., *et al.*,  
Defendants.

Case No. 1:12-cv-564

Barrett, J.  
Litkovitz, M.J.

**REPORT AND  
RECOMMENDATION**


On October 22, 2013, defendant Mobile Streams, Inc. was served with a copy of plaintiff's complaint. (Doc. 24). Mr. Simon Buckingham, an employee of Mobile Streams, Inc., filed an answer to the complaint on November 6, 2012, on behalf of the corporation. (Doc. 28). On December 17, 2013, this Court ordered defendant Mobile Streams, Inc. to show cause why the Court should not strike its answer and enter default judgment against it for failure to have counsel appear on its behalf. (Doc. 129). To date, defendant has failed to respond to the Order to show cause.

As stated in the Order, 28 U.S.C. § 1654 "does not permit artificial entities, such as corporations, partnerships, associations, limited liability companies, trusts, or estates to prosecute or defend in a federal court except through an attorney that is licensed and admitted to practice in that particular court." (Doc. 129 at 1). The corporate defendant is not represented by a licensed attorney in this matter and is precluded from representing itself. Furthermore, this defendant has not attempted to show cause why the Court should not strike its answer and enter default judgment based upon its failure to comply with the Court's Order to have counsel appear on its behalf. (Doc. 129).

Accordingly, it is hereby **RECOMMENDED** that the answer filed on behalf of defendant Mobile Streams, Inc. (Doc. 28) be **STRICKEN** from the record and that default

judgment be **GRANTED** in favor of plaintiff against defendant Mobile Streams, Inc. on all claims plaintiff brings against it, in an amount to be determined by the Court.

Date: 1/10/14

  
Karen L. Litkovitz  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>X</p>
<p>1. Article Addressed to:</p> <p>Blake Best 5392 Northbend Rd. Cinti, OH 45247</p>	<p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7011 3500 0001 5345 9886</p>

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1. Article Addressed to:

Mobile Streams, Inc.  
247 W. 36th St., 301  
New York, NY 10018

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

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4. Restricted Delivery? (Extra Fee)

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2. Article Number  
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